

**DEMORRIS LAMAR ANDERSON,**

**Petitioner,**

**vs.**

**UNITED STATES OF AMERICA,**

**Respondent.**

attempted Hobbs Act robbery qualify as a “crime of violence” under § 924(c)’s residual clause. In Johnson, the Court held that imposing an increased sentence under the residual clause of the Armed Career Criminal Act, 18 U.S.C. § 924(e), violates the Constitution’s guarantee of due process, but the decision did not address the residual clause under § 924(c). See id. at 2563.

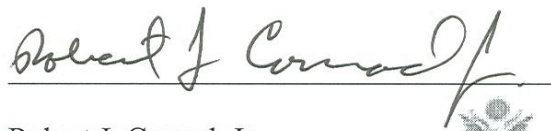
The Government has filed the instant Motion to hold this action in abeyance pending a decision by the Fourth Circuit Court of Appeals in United States v. Ali, No. 15-4433. (Doc. No. 4). In that case, the defendant argues that Johnson renders the residual clause of § 924(c)(3)(B) unconstitutionally vague. Ali also involves a conviction for conspiracy to commit a Hobbs Act robbery.

The issues to be decided in Ali may be dispositive of Anderson’s claims for relief under Johnson. In light of these factors, and in the absence of opposition from Anderson (Mot. 2, Doc. No. 4), the Court finds it is in the interest of judicial economy to grant the Government’s Motion to hold this action in abeyance.

**IT IS, THEREFORE, ORDERED** that the Government’s motion to hold Anderson’s § 2255 Motion to Vacate in abeyance (Doc. No. 4) is **GRANTED**.

**IT IS FURTHER ORDERED** that the above-captioned action is held in abeyance pending the Fourth Circuit’s decision in United States v. Ali, No. 15-4433. Thereafter, the Government shall have 60 days to file an answer, motion, or other response to Anderson’s § 2255 Motion to Vacate.

Signed: May 18, 2017



Robert J. Conrad, Jr.  
United States District Judge

